

JEFFREY M. VUCINICH, ESQ. BAR#: 67906  
JOSHUA W. ROSE, ESQ. BAR#: 191024  
CLAPP, MORONEY, BELLAGAMBA and VUCINICH  
A PROFESSIONAL CORPORATION  
1111 Bayhill Drive, Suite 300  
San Bruno, CA 94066  
(650) 989-5400 (650) 989-5499 FAX

Attorneys for Defendant and Cross-Complainant  
PAULEY CONSTRUCTION, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIFA TUIAKI and LUPE TUIAKI,

Plaintiffs,

v.

PACIFIC GAS AND ELECTRIC  
COMPANY, PAULEY  
CONSTRUCTION, INC., TRAFFIC  
SOLUTIONS, INC., ADELPHIA  
TELECOMMUNICATIONS CO., INC.,  
SBC TELECOMMUNICATIONS, INC.,  
MOBILE TOOL INTERNATIONAL, INC.  
dba TELSTA, COUNTY OF  
MENDOCINO, STATE OF  
CALIFORNIA, PACIFIC BELL  
TELEPHONE COMPANY, PACIFIC  
TELESIS GROUP, SBC OPERATIONS,  
INC., and DOES 1 to 50,

Defendants.

AND RELATED CROSS-ACTION.

CASE NO.: C07 2257 JCS

**DECLARATION OF JEFFREY M.  
VUCINICH IN SUPPORT OF PAULEY  
CONSTRUCTION, INC'S. MOTION TO  
REMAND TO STATE COURT [28 U.S.C.  
§1447( c)]**

Date: June 22, 2007  
Time: 9:30 a.m.  
Location: Courtroom A, 15th Floor  
Judge: Magistrate Judge  
Joseph C. Spero

I, JEFFREY M. VUCINICH declare as follows:


1. I am an attorney at law licensed to practice before all of the courts of the State of California, and am a partner of the law firm Clapp, Moroney, Bellagamba and Vucinich, attorneys of record for defendant PAULEY CONSTRUCTION, INC. ("Pauley") I make this declaration in support

1 of Pauley's Motion to Remand. If called upon as a witness, I could and would testify to the following:

2 2. A true and correct copy of: (1) Pauley's January 9, 2007 Motion for Judgment on the  
3 Pleadings; (2) Pauley's February 6, 2007 Reply to Adelphia Communication Corporation's  
4 ("Adelphia") Opposition thereto; and (3) February 13, 2007 San Francisco Superior Court Order  
5 granting Pauley's Motion for Judgment on the Pleadings are attached hereto as "**Exhibit A.**" These  
6 documents establish that as of at least January 9, 2007, not March 26, 2007, as Adelphia  
7 Communications Corporation misstates, Pauley raised issues arising under the bankruptcy code. Thus,  
8 Adelphia's Notice of Removal is tardy and the action must be remanded to State Court.

9 3. A true and correct copy of the June 14, 2004, Stipulation and Agreed Order Granting  
10 Sifa and Lupe Tuiaki Partial Relief From the Automatic Stay To Initiate Action Against Third Party  
11 Insurance Proceeds in the United States Bankruptcy Court, Southern District of New York Case No.  
12 02-41729 (REG) is attached hereto as "**Exhibit B.**" This document establishes that as of at least June  
13 14, 2004, not March 26, 2007, as Adelphia Communications Corporation misstates, Adelphia knew  
14 about issues arising under the bankruptcy code. In addition, Exhibit B demonstrates that since the  
15 relief allowed the case to proceed as to available insurance, the real parties in interest are clearly the  
16 insurers, and therefore this is not a core proceeding (and recovery cannot augment the estate). Thus,  
17 Adelphia's Notice of Removal is tardy and the action must be remanded to State Court.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing  
19 is true and correct and that I have personal knowledge of all facts contained in this Declaration, except  
20 for those matters stated to be on information and belief, and, if called as a witness, I could and would  
21 competently testify thereto. Executed on May 14, 2007 at San Bruno, California.

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24 JEFFREY M. VUCINICH  
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